

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PATRICIA C. BARBERA,

Case No. 08-2677 SBA

Plaintiff,

ORDER

v.

[Docket Nos. 14 and 22]

WMC MORTGAGE CORPORATION,
et al.,

Defendants.

On April 11, 2008 plaintiff *pro se* Patricia Barbera (“Barbera”) filed a complaint in Marin County Superior Court. On May 28, 2008, defendants WMC Mortgage LLC (“WMC”) and GE Consumer Finance, Inc. (“GECF”) removed the case to this court [Docket No. 1]. The action was initially assigned to Judge Phyllis Hamilton. On June 6, 2008 the action was related to a prior action and reassigned to this Court.

On June 13, 2008, Barbera filed a notice of wrongful removal and motion to remand [Docket No. 14]. On June 17, 2008, defendant Select Portfolio Servicing, Inc. filed a motion to dismiss for failure to state a claim [Docket No. 15]. On June 19, 2008, defendants California Land Title of Marin [Docket No. 16] and defendants WMC and GECF [Docket No. 17] also filed motions to dismiss for failure to state a claim. A hearing on the foregoing motions to dismiss is currently set for July 29, 2008.

Currently before the Court is Barbera’s motion to shorten the time of the hearing on her motion to remand [Docket No. 22]. No opposition has been filed.

Under Civil Local Rule 6-3, “[a] motion to enlarge or shorten time may be no more than 5 pages in length and must be accompanied by a proposed order and by a declaration that . . . [s]ets forth *with particularity*, the reasons for the requested enlargement or shortening of time . . . ” Civil

1 L.R. 6-3(a)(1) (emphasis added). Barbera, however, merely contends that "she requires a shorter
2 time for the hearing to deter any fraudulent actions." Therefore the Court finds that Barbera has not
3 adequately explained why a shortening of time is justified in this case pursuant to the Local Rules.
4 Accordingly, Barbera's motion is DENIED.

5 However, under Civil Local Rule 6-3(d) "[a]fter receiving a motion to enlarge or shorten
6 time and any opposition, the Judge may grant, deny, modify the requested time change or schedule
7 the matter for additional briefing or a hearing." Civil L.R. 6-3(d). Despite the deficiency in
8 Barbera's motion, the Court is cognizant that a hearing on defendants' motions to dismiss is already
9 set for July 29, 2008 and that Barbera's motion to remand challenges this Court's jurisdiction over
10 the action.

11 Accordingly, it is ORDERED that:

- 12 1. Defendants may file an opposition to Barbera's motion to remand [Docket No. 14] by
July 15, 2008 pursuant to Civil Local Rule 7-3(a);
13 2. Barbera may file a reply by July 19, 2008 pursuant to Civil Local Rule 7-3(c);
14 3. A hearing on the motion to remand is set for July 29, 2008 at 1:00 p.m. in Courtroom
15 3 of the United States Courthouse, 1301 Clay Street, Oakland, California; and
16 4. The hearing on defendants' motions to dismiss remains scheduled for July 29, 2008 at
17 1:00 p.m.
18

19 IT IS SO ORDERED.

20 Dated: 7/3/08

Saundra B Armstrong
21 SAUNDRA BROWN ARMSTRONG
22 United States District Judge
23
24
25
26
27
28